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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,957	03/31/2004	Eamon Doherty	F1279-9	8316
7590	01/12/2006			
DOCKET ADMINISTRATOR				EXAMINER
LOWENSTEIN SANDLER PC				WOO, STELLA L
65 LIVINGSTON AVENUE				ART UNIT
ROSELAND, NJ 07068				PAPER NUMBER
				2643

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,957	DOHERTY ET AL.	
	Examiner Stella L. Woo	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunet et al. (US 5,995,590, hereinafter "Brunet") in view of Beranek et al. (US 6,952,809, hereinafter "Beranek").

Brunet discloses a telephone interface (communication unit 10) for a handicapped individual (hearing impaired, deaf or mute person) comprising:

a processor (inherently provided by a personal computer with telephone operation; col. 4, lines 46-51);
a public switched telephone network interface (telephone 20);
a sound generator (text-to-speech system 14 provides synthesized voice output 16);
a display device (computer display means 13); and
an input device (input 12).

Brunet differs from claims 1-7 in that it does not specify the input device including a sensor placed adjacent to a controllable voluntary muscle of an individual. However, Beranek teaches the desirability of providing a sensor (implanted or surface attached electrodes) to allow a handicapped individual to provide input to a computer device by

activating or relaxing a muscle (Abstract; col. 2, line 55 – col. 3, line 31). It would have been obvious to an artisan of ordinary skill to incorporate such sensor-based control, as taught by Beranek, within the device of Brunet so that the device can be used by a hearing/speech-impaired person who cannot operate a mouse or keyboard.

3. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunet in view of Beranek, as applied to claims 1-7 above, and further in view of Volta (US 4,746,913).

The combination of Brunet and Beranek differs from claims 8-14 in that it does not teach changing the active area periodically. However, Volta teaches the well known use of such periodic scanning in a device used by a disabled individual (see Abstract) such that it would have been obvious to an artisan of ordinary skill to incorporate such periodic scanning, as taught by Volta, in order to allow the handicapped user to more easily select from displayed items.

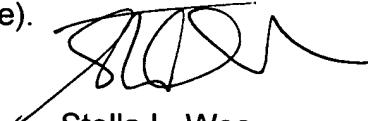
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Little, Duffin, Everett, Perepa et al. and Chaturvedi et al. show other communication devices which convert text into speech. Sun et al. and Nemirovski show providing control by muscle movement.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643